

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION**

UNITED STATES OF AMERICA and STATE OF WEST VIRGINIA)	
)	
Plaintiffs,)	
)	Case No. 1:18-cv-00195-IMK
v.)	
)	
EXXON MOBIL CORPORATION,)	
)	
Defendant.)	
)	

**RESPONSE BY THE UNITED STATES AND STATE OF WEST VIRGINIA
TO DISCLOSURE OF CONFLICT**

The United States and the State of West Virginia (the “State”) file this document in response to the letter dated December 30, 2021, from Cheryl Dean Riley, Clerk of Court. ECF No. 15. In that letter, the Clerk of Court provided notice that while District Court Judge Thomas S. Kleeh presided over the above-captioned case, he owned stock that would have required recusal under the Code of Conduct for United States Judges.

The Plaintiffs’ position is that no further action by the Court is required. The United States and the State filed a complaint in this matter simultaneously with a consent decree resolving all claims. The only action taken by Judge Kleeh was to grant the United States’ motion to enter the consent decree. Entry of the consent decree was fully warranted. As discussed in the United States’ Memorandum in Support of its Unopposed Motion to Enter the Consent Decree, ECF No. 12, the Consent Decree is fair, adequate, and reasonable, and is not illegal, a product of collusion, or against the public interest. It ensures that environmental cleanup at the Sharon Steel Corporation/Fairmont Coke Works Superfund Site in Fairmont, West Virginia will be completed, and provides for full recovery of future response costs incurred by

the United States and the State. The cleanup required by the Consent Decree is underway and progressing on schedule under United States and State oversight, and oversight costs have been timely paid. For these reasons, no further action by the Court is required, notwithstanding the disclosure of conflict.

Respectfully submitted:

FOR THE UNITED STATES OF AMERICA

Nathaniel Douglas
Deputy Section Chief
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section

/s/ Laura A. Thoms

Laura A. Thoms
Senior Attorney
D.C. Bar No. 488784
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
P.O. Box 7611
Washington, D.C. 20044-7611
Phone (202) 305-0260
Email: laura.thoms@usdoj.gov

WILLIAM J. IHLENFELD, II
United States Attorney
Northern District of West Virginia

/s Stephanie Savino

STEPHANIE SAVINO
Assistant United States Attorney
WV Bar No. 13684
United States Attorney's Office
P.O. Box 591
Wheeling, WV 26003
Phone: (304) 234-0100
Fax: (304) 234-0112
E-mail: Stephanie.K.Savino@usdoj.gov

FOR THE STATE OF WEST VIRGINIA

/s/ Chance J. Chapman_____

Chance J. Chapman

Staff Attorney

W. Va. Bar No. 12889

W. Va. Department of Environmental Protection

Division of Land Restoration

601 57th Street SE

Charleston, WV 25304

Phone: (304) 926-0499

Email: chance.j.chapman@wv.gov

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Charles Scott Driver, counsel for the state of West Virginia.

I hereby certify that I have mailed, by U.S. Postal Service, the document to the following:

Kevin J. Vaughan
Senior Counsel, Environmental & Safety
Exxon Mobil Corporation
22777 Springwoods Village Pkwy.
Spring, TX 77389
Kevin.j.vaughan@exxonmobil.com

Steven M. Jawetz
Beveridge & Diamond, PC
1350 I Street, N.W., Suite 700
Washington, DC 20005-3311

Counsel for Defendant

s/ Laura A. Thoms
Senior Attorney
Environmental Enforcement Section